

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

ARTHUR JOHNSTON, CLERK

FILED

Jun 02 2020

United States of America)

v.)

Wilson Orlando Hercules)

a/k/a Wilson Orlando Hercules-Hercules)

a/k/a Wilson Hercules - Hercules)

a/k/a Wilson Hercules a/k/a Orlando Millas Cardenal)

Defendant(s)

Case No. 1:20mj

544-RHW

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 24, 2020 in the county of Hancock in the
Southern District of MS, Southern Division, the defendant(s) violated:

Code Section

8 U.S.C. § 1326(a) & (b)(1)

Offense Description

Unlawful Reentry by a Removed Alien Previously Convicted of a Felony

This criminal complaint is based on these facts:

See Affidavit, which is attached hereto and incorporated by reference herein.

☒ Continued on the attached sheet.

Complainant's signature

Steven S. Coker, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: JUNE 2, 2020

Judge's signature

City and state: Gulfport, Mississippi

Robert H. Walker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF MISSISSIPPI)
COUNTY OF HARRISON :
SOUTHERN DISTRICT OF MISSISSIPPI)

I, Steven S. Coker, being first duly sworn, hereby depose and say that:

1. I am a Deportation Officer for the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), presently assigned to the Office of Enforcement and Removal Operations, located in Gulfport, Mississippi (ERO/GUL). I have been a Deportation Officer with ICE since 2015, and my duties include criminal investigations involving the immigration laws of the United States as well as other federal statutes.

2. On or about February, 24, 2020, during criminal alien program duties at the Hancock County, MS, Sheriff's Office, an ICE officer encountered Wilson Orlando HERCULES, a/k/a/ Orlando Hercules WILSON, a/k/a Orlando Millas CARDENAL, a/k/a Wilson HERCULES, a/k/a Wilson HERCULES-HERCULES, a/k/a, Wilson Orlando HERCULES-HERCULES, an illegal alien from Honduras, who was being held for: Possession of Controlled Substance, to wit: cocaine and Possession of Paraphernalia. Local officials turned Hercules over to an officer from the ICE, Gulfport, Mississippi, Office where a positive match via the IDENT/IAFIS fingerprint database identified HERCULES as a previously removed alien.

3. Records revealed that on or about May 19, 2011, Wilson Orlando HERCULES, was arrested by U.S. Customs and Border Protection at or near Los Indios, TX. HERCULES was ordered removed from the United States by an Immigration Judge on or about June 1, 2011, and was physically removed on or about June 22, 2011, to his home country of Honduras.

4. On or about August 10, 2011, HERCULES, was arrested by U.S. Border Patrol at or near Laredo, TX. A positive match via the IDENT/IAFIS fingerprint database identified him as a

previously removed alien. HERCULES had his prior order of removal reinstated, and he was removed on or about August 22, 2011, from the United States to his home country of Honduras.

5. On or about December 10, 2011, HERCULES was arrested by US Border Patrol at or near Lake Charles, LA. A positive match via the IDENT/IAFIS fingerprint database identified him as a previously removed alien. HERCULES had his prior order of removal reinstated, and he was removed on or about January 6, 2012, from the United States to his home country of Honduras.

6. On or about June 13, 2012, HERCULES was arrested by US Border Patrol at or near Victoria, TX. A positive match via the IDENT/IAFIS fingerprint database identified him as a previously removed alien. HERCULES had his prior order of removal reinstated, and he was removed on or about July 12, 2012, from the United States to his home country of Honduras.

7. On or about July 17, 2014, HERCULES was arrested by Immigration and Customs Enforcement/Enforcement and Removal Office (ICE/ERO) at the St. Tammany, LA Parish Jail after his local arrest. A positive match via the IDENT/IAFIS fingerprint database identified him as a previously removed alien. HERCULES had his prior order of removal reinstated, and he was removed on or about August 8, 2014, from the United States to his home country of Honduras.

8. On or about October 10, 2018, during criminal alien program duties at the Harrison County, MS, Sheriff's Office, an ICE officer encountered HERCULES, who was being held at the Harrison County, MS Sheriff's Office for: No Seatbelt, No Driver's License, No Proof of Insurance, and Driving Under the Influence (DUI). Local officials turned HERCULES over to officers from the ICE, Gulfport, Mississippi, office where a positive match via the IDENT/IAFIS fingerprint database identified him as a previously removed alien.


9. On or about March 12, 2019 (judgment filed on March 14, 2019), HERCULES, was sentenced in the U.S. District Court, Southern District of Mississippi, for the felony crime of 8 USC 1326(a)(2), Illegal Reentry by a Removed Alien (case number: 1:18cr190-LG-JCG-1). Since the statutory maximum penalty for this offense is two years imprisonment, his conviction qualifies as a

federal felony for which one could be sentenced to more than one-year in prison. Upon completion of his time-served prison sentence (plus one-year of supervised release) for this felony offense, HERCULES was turned over to ICE for removal proceedings. On or about May 2, 2019, HERCULES was lawfully removed by air from the United States to his home country of Honduras.

10. On or about February 27, 2020, a Petition to Revoke the Supervised Release for HERCULES, was filed in the United States District Court, Southern District of Mississippi, by the United States Probation Office. HERCULES is scheduled for a Final Revocation Hearing before U.S. District Judge Louis Guirola, Jr., on or about June 4, 2020.


11. Finally, investigation revealed that Wilson Orlando HERCULES, did not receive, nor has ever received, the permission of the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States or to apply for readmission to the United States.

12. Based on the facts and circumstances as set forth above, your affiant believes that there is probable cause to believe that Wilson Orlando HERCULES, a/k/a Orlando Hercules WILSON, a/k/a Orlando Millas CARDENAL, a/k/a Wilson HERCULES, a/k/a Wilson HERCULES-HERCULES, a/k/a, Wilson Orlando HERCULES-HERCULES, has violated Title 8, United States Code, Sections 1326(a)(2) and (b)(1) – Unlawful Reentry into the United States by an Alien Deported or Removed After Conviction of a Felony.



Steven S. Coker, Deportation Officer
U.S. Immigration and Customs Enforcement

Sworn to and subscribed to me this, the 2nd day of June, 2020.



Robert H. Walker
United States Magistrate Judge